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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,507	11/28/2001	Laixin Wang	3302.2.1	3067
21552	7590	10/03/2003	EXAMINER	
MADSON & METCALF GATEWAY TOWER WEST SUITE 900 15 WEST SOUTH TEMPLE SALT LAKE CITY, UT 84101			SCHNIZER, RICHARD A	
			ART UNIT	PAPER NUMBER
			1635	

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,507

Applicant(s)

WANG, LAIXIN

Examiner

Richard Schnizer, Ph. D

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) 1-64 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claims 1-64 are generic to a plurality of disclosed patentably distinct species comprising carriers for transporting a polyanionic macromolecule across a biological barrier of a cell. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species of carrier, even though this requirement is traversed. More specifically, Applicant is required to elect:

A polycationic polymer, such as those recited in claim 4 or in the specification at page 5, ones 7-10, e.g. PAM, PEI, PL, a polypeptide, chitosan, a polysaccharide, or a specific copolymer of these polycations. Should Applicant elect a polypeptide or a polysaccharide, a further election of a single specific polypeptide (e.g. polylysine) or polysaccharide (e.g. chitosan) is required.

A targeting moiety, e.g. a ligand, an antigen, an antigen, a hapten, biotin, lectin, galactose, galactosamine, histone, lipid, carbohydrate, vitamin, or a specific combination of these moieties. If Applicant should elect a ligand, an antigen, a hapten, a polypeptide, a lipid, a carbohydrate, or a vitamin, a further election of a specific ligand, antigen, hapten, polypeptide, lipid, carbohydrate, or vitamin from those disclosed in the specification is required.

A lysis agent, e.g. a viral peptide, a bacterial peptide, a lytic peptide, alveolysin, bifermentolysin, botulinolysin, capriciolysin, cereolysin O, chauveolysin, histolyticolysin O, pneumolysin, sealigerolysin, septicolysin O, sordellilysin, streptolysin O tenalysin, or

thuringolysin O. Should Applicant elect a viral peptide, a bacterial peptide, or a lytic peptide, a further election of a specific lytic peptide disclosed in the specification is required.

A linker, e.g. a PEG fragment, a polypeptide, a linear polymer containing an ester bond, a linear polymer containing an amide bond, a linear polymer containing an ester bond, a linear polymer containing a disulfide bond, a linear polymer containing a hydrazone bond, a linear polymer containing an oxime bond, GlyPhePheGly, or GlyPheLeuGly.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner(s) should be directed to Richard Schnizer, whose telephone number is 703-306-5441. The examiner can normally be reached Monday through Friday between the hours of 6:20 AM and 3:50 PM. The examiner is off on alternate Fridays, but is sometimes in the office anyway.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Leguyader, can be reached at 703-308-0447. The official central fax number is 703-872-9306. Inquiries of a general nature or relating to the status of the

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application should be directed to the Patent Analyst Trina Turner whose telephone number is 703-305-3413.

A handwritten signature in black ink, appearing to read 'Dave T. Nguyen', with a stylized flourish extending from the end.

DAVE T. NGUYEN
PRIMARY EXAMINER

Richard Schnizer, Ph.D.